

## **REMARKS**

By the *Office Action* of 25 September 2006, Claims 1-11 are pending in the Application, and all rejected. By the present *Response and Amendment*, Applicant cancels Claim 8 and 10 and amends Claims 1-7, 9, and 11. No new matter is introduced by the present *Response and Amendment*. Applicant respectfully asserts that the pending claims are in condition for allowance and respectfully requests reconsideration of the claims in light of the following remarks.

### **1. Priority Document**

Applicant thanks the Examiner for the acknowledgment of Applicant's claim to priority and acknowledgment of the receipt of a certified copy of the Applicant's priority document, Netherlands (NL) 1022072, filed 3 December 2002.

### **2. Drawings**

The drawings are objected to under 37 CFR 1.83(a) for failure to show every feature of the invention specified in the claims. In the *Office Action*, the Examiner states that "the distance surface connected to the pulley sheave contact surface through a convex rounded off surface," as recited in Claim 2, must be shown in the drawings. Applicant respectfully submits that the originally filed *Drawings* illustrate this "distance surface connected to the pulley sheave contact surface through a convex rounded off surface."

Applicant directs the Examiner's attention to reference numeral 41, shown in Fig. 4. As fully described in the *Specification*, reference numeral 41 illustrates the "distance surface." More specifically, the *Specification* provides:

According to an important aspect of the present invention, a distance surface 41 is located between the transition surface 17 and the pulley sheave contact surface 18. The distance surface 41 in its entirety is situated below the supporting surface 16, and, in the shown example, extends substantially parallel to the supporting surface 16. Furthermore, the distance surface 41 is connected to the curved transition surface 17 through a concave portion 42, and to the pulley sheave contact surface 18 through a rounded off surface 43.

(*Specification*, page 7, lines 23-28). Applicant respectfully submits that the *Drawings* therefore illustrate the distance surface 41 providing sufficient antecedent basis for Claim 2. Accordingly, withdrawal of the objection to the *Drawings* is respectfully requested.

### **3. *Specification***

In the *Office Action*, the Examiner objects to minor informalities in the *Specification*. Applicant thanks the Examiner for pointing out the two informalities in the *Specification*. The amendments to the *Specification*, provided in the present *Response and Amendment*, correct both of these informalities. No new matter is presented by the above amendments to the *Specification*. Accordingly, withdrawal of the objection to the *Specification* is respectfully requested.

### **4. *Rejection Of The Claims Under 35 USC § 112***

Claims 1-11 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

Specifically, for Claims 1-2 and 6-7, the Examiner states that the use of the phrases “on the one hand” and “on the other hand” renders the intended scope of the claims indefinite. In an effort to avoid indefiniteness and provide more clarity, Applicant amends Claims 1-2 and 6-7 to replace the phrase “on the one hand” with the more definite phrase “on a first side” and the phrase “on the other hand” with the more definite phrase “on a second side.” These amendments to Claims 1-2 and 6-7 remove indefiniteness without adding new matter. Accordingly, withdrawal of the rejection under 35 USC § 112, second paragraph for Claims 1-2 and 6-7 is respectfully requested.

The Examiner states that Claim 3 is rejected because the term “preferably” renders the intended scope of the claim indefinite. Furthermore, the Examiner states that it is not clear what is meant by the phrase “substantially completely flat” in Claim 3. In an effort to avoid indefiniteness and provide more clarity, Applicant amends Claim 3 to remove the term “preferably,” and to replace the phrase “substantially completely flat” with the more definite phrase “substantially flat.” These amendments to Claim 3 remove indefiniteness without adding new matter. Accordingly, withdrawal of the rejection under 35 USC § 112, second paragraph for Claim 3 is respectfully requested.

### **5. *Claim Rejections Under 35 USC § 102***

Claims 1-3 and 6-11 are rejected under 35 USC § 102 as being anticipated by Japanese

Patent Publication No. 63-266428 to Anpo et al. Applicant respectfully traverses this ground of rejection as submits that the Claims 1-3 and 6-11 are not anticipated by Anpo et al. Furthermore, Applicant cancels Claims 8 and 10 and amends Claims 1-7, 9, and 11 to further clarify and more particularly point out Applicant's claimed invention.

Anpo et al. discloses a friction block with tapered end sections, which make contact with conical surfaces. As disclosed in the abstract of Anpo et al., the tapered sections surfaces are "formed in the shape of an arc of a circle with a relatively high curvature of radius R, and a shape in which the upper ends of the tapered sectional surfaces 36 and 38 are brought into contact with conical surfaces 32 and 34, respectively." Therefore, Anpo et al. discloses that a "high force is prevented from being exerted on the sides of the first and second window arts 24 and 26."

Unlike Applicant's claimed invention, the friction block disclosed in Anpo et al. is included in a chain driven system for a continuously variable transmission. Applicant's claimed invention, however, is directed to a transverse element for a push belt system for a continuously variable transmission. Those of skill in the art appreciate the significant differences in the operation of a chain driven system and a push belt system. Primarily, the friction block devices of the chain driven system are subject to different operational forces than the transverse elements of the push belt system. Therefore, friction block devices are not comparable to transverse elements.

In addition to their many differences, the device disclosed in Anpo et al. fails to provide all the elements of Applicant's claimed invention. For example, Applicant's Claim 1, and Claims 2-7, 9, and 11 that depend therefrom, require a "push belt." The "push belt" component of Claim 1 is not disclosed in Anpo et al., and, as understood by those of skill in the art, is contrary to the Anpo et al. disclosure of a chain driven system. Therefore, Applicant submits that Anpo et al. does not anticipate Claim 1; thus, Claim 1 is believed allowable as herein presented, and all claims ultimately depending on Claim 1, Claims 2-7, 9 and 11, are also allowable.

## **6. Claim Rejections Under 35 USC § 103(a)**

Claims 4-5 are rejected under 35 USC § 103(a) as being anticipated by Anpo et al. Applicant also respectfully traverses this ground of rejection as Anpo et al. does not render obvious Claims 4-5.

Applicant submits that in addition to the fact that Claims 4-5 are allowable on the grounds that they are dependent from allowable Claim 1, these claims are further patentably distinguishable from Anpo et al. because Anpo et al. fails to disclose, teach or suggest “a height difference between the supporting surface of the at least one transverse element and the distance surface of the transition edge region of the at least one transverse element” as set forth in Claim 4, or the “dimension of the distance surface of the transition edge region of the at least one transverse element” as set forth in Claim 5.

Respectfully, contrary to the Examiner’s assertion that the dimensions recited in Claims 4-5 are “workable ranges” obvious to those of skill in the art, in view of Anpo et al., these dimensions enable some of the significant benefits of Applicant’s claimed invention. For example, and not limitation, the height dimension recited for the transverse element in Claim 4 helps to prevent damage to the rings that occur in prior art devices due to protrusions from the surface. (See, for example, *Specification*, page 8, lines 20-22). Furthermore, the dimension of the distance surface recited in Claim 5 helps to prevent protrusions from being developed at the transition surface or the supporting surface of the transverse element. (See, for example, *Specification*, page 8, lines 25-28). Thus, the limitations recited in Claim 4 and Claim 5 are novel and unobvious in view of Anpo et al. and the knowledge of those of skill in the art. Accordingly, Applicant submits that Claims 4-5 are in condition for allowance.

## **7. Fees**

No Claims fees are due, as the total number of Claims is less than upon original filing. Further, this *Response and Amendment* is being filed within three months of the *Office Action*. Thus, it is believed no extension of time fees are due. Nonetheless, authorization to charge deposit account No. 20-1507 is given herein should fees be due.

## **CONCLUSION**

By the present *Response and Amendment*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3695.

Respectfully submitted,

/trentonward59157/

Trenton Ward  
Registration No. 59,157

Troutman Sanders LLP  
Bank of America Plaza  
600 Peachtree Street, N.E., Suite 5200  
Atlanta, Georgia 30308-2216  
United States  
Phone: 404.885.3695  
Fax: 404.962.6818

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/trentonward59157/

Trenton Ward  
Registration No. 59,157